

Case 1:04-cv-12137-JLT Document 135-11

- 1 Q. Do you know if Brush Wellman drop shipped
 2 material to you for machining or processing or
 3 fabricating to be forwarded on to Raytheon?
 4 A. Do I know that, sir?
 5 Q. Yes.
 6 A. I know what it says in these pieces of paper.
 7 Q. And did the paper suggest to you that that very
 8 thing took place, that is, that material was
 9 drop shipped to your company for machining or
 10 fabrication or processing with the intent of it -
 11 making its way to Raytheon?
 12 A. Okay, say that again.
 13 MR. HONIK: I'll have the
 14 reporter read it to you.
 15 (The reporter read the requested testimony.)
 16 A. It suggests that, yes.
 17 Q. Now, turning your attention back to Genereux
 18 799, which is the first of the pages in Exhibit
 19 1, and if you follow along with me --
 20 A. Sure.
 21 Q. -- it appears to refer to 50 units or 50 pieces
 22 of this Beryllium tube.
 23 A. Uh-huh.
 24 Q. Do you see that, sir?

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- 1 in the 1980's was capable of achieving?
 2 A. My suspicion is that this, sir (Indicating) is
 3 a description of what Brush Wellman supplied
 4 and the tolerances they supplied it to. That's
 5 what this looks like.
 6 Q. Can you tell me based on this document,
 7 obviously not from your personal experience,
 8 what it is that Hardric Labs did with the
 9 product that is the subject of the purchase
 10 order?
 11 A. I suspect we machined something.
 12 Q. And can you tell by looking at Genereux 799,
 13 which is page 1 of Exhibit 1, what the
 14 machining was that Hardric did?
 15 A. No.
 16 Q. Is there nothing on this piece of paper that
 17 clues you into what kind of machining Hardric
 18 may have done?
 19 A. No.
 20 Q. Do you know what Hardric was paid to do to the
 21 machining?
 22 A. No.
 23 Q. Did you ever do any machining either for Brush
 24 or any other company on this basis, that is,

- 78 1 A. Yes, I do.
 2 Q. Is there anything about that number or number
 3 of units that enlightens you about the kind of
 4 product that's the subject of this invoice --
 5 purchase order, rather?
 6 A. No. I find it surprising because I never
 7 usually made 50 of anything.
 8 Q. Okay. Would you customarily make more or less?
 9 A. Fewer.
 10 Q. Fewer than 50?
 11 A. Yes. We would prototype. You make one or two
 12 of something.
 13 Q. Okay. Do you see the numbers below the
 14 description that reads "Beryllium tube per
 15 Brush spec S-200E," the numbers below that? Do
 16 those numbers mean anything to you?
 17 A. Nothing.
 18 Q. How about below that --
 19 A. Well, wait a minute. They appear to be
 20 tolerances.
 21 Q. Okay. Does that refresh your recollection
 22 about this product in any way, shape or form?
 23 A. No.
 24 Q. Are these tolerances tolerances that your lab

- 80 1 with product being drop shipped to you and then
 2 forwarded to the customer or a customer?
 3 A. That's usually how we did business.
 4 Q. And how would you be paid for the work?
 5 A. Well, how would we be paid for our labor?
 6 Q. Yes, sir.
 7 A. Okay. We would send people a bill, and they
 8 would send us a check.
 9 Q. And in this instance, in an instance where
 10 material was being drop shipped by one company
 11 and then forwarded on to that company's
 12 ultimate customer, who would pay you for the
 13 work?
 14 A. The ultimate customer would pay me for the
 15 machining of the work.
 16 Q. And the amounts that are reflected on this
 17 document Genereux 799, \$14,956.10, is an
 18 invoice total. Is that the charge that you
 19 made for the machining involved, the labor?
 20 A. That is the price that Raytheon paid Brush
 21 Wellman for the material.
 22 Q. And do you know whether or not the cost of
 23 machining your company's labor is incorporated
 24 in that price or is it separate?

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1 Q. No, you don't see it?
 2 A. No. Would you point it out to me, sir?
 3 Q. Sure. It says right there "6/8/84, requested
 4 delivery."
 5 A. Oh, I see. Yes.
 6 Q. Okay.
 7 A. I see it.
 8 Q. Do you remember manufacturing Beryllium tubes
 9 or machining Beryllium tubes at that time?
 10 A. No.
 11 Q. Turn to the next document, 364681.
 12 A. (Witness complies).
 13 Q. Do you see the word "Hardric Labs" in
 14 handwriting on the document? Do you see the
 15 words "Hardric Labs"?
 16 A. I see it, yes, in writing down at the bottom.
 17 Q. Do you know whose handwriting that is?
 18 A. No.
 19 Q. Do you remember in or around April of 1984
 20 receiving Beryllium tube per Brush specs as set
 21 forth here?
 22 A. No.
 23 Q. Was 42 multiples, 42 pieces an unusual quantity
 24 for Hardric Labs to work with at that time?

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1 A. Yes.
 2 Q. Why wouldn't any of this stand out if it was
 3 unusual?
 4 A. It probably would have been easily recognizable
 5 to Jim Reading, who could have told us
 6 everything, but he's gone. Dan Hallissey could
 7 have told us about a lot of this stuff, another
 8 employee, but he's dead, too.
 9 Q. Okay.
 10 A. I mean, there's me, and I was working on
 11 another project at the time and was hardly at
 12 the shop.
 13 Q. What were you working on?
 14 A. I was working on a proposal for my Chinese
 15 customers to design a plant for them.
 16 Q. I understand. So it's entirely possible, then,
 17 that these documents relate to activities at
 18 Hardric Labs that were entirely undertaken by
 19 other employees at the lab, correct?
 20 A. Yes, indeed.
 21 Q. And is that how you kind of understand for
 22 yourself what these documents suggest because
 23 you don't deny that this material was drop
 24 shipped to Hardric Labs?

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1 A. No.
 2 Q. You just don't have firsthand recollection; is
 3 that right?
 4 A. That's correct.
 5 Q. And is it true that all of these Beryllium
 6 tubes that might have been cut at Hardric Labs
 7 by someone, other than yourself, would have
 8 gone out with the labels that we have here in
 9 front of your lawyer?
 10 A. The company policy was to send everything with
 11 one of those in it (Indicating).
 12 Q. But --
 13 A. With one of those labels in it.
 14 Q. I understand, but sitting here today, you can't
 15 testify that that actually took place, correct?
 16 A. I cannot.
 17 Q. But to the extent that it was sent out with a
 18 label, it would be one of the labels that Ms.
 19 Lindemann has, correct?
 20 A. That's correct.
 21 Q. Turn, if you would, to the next document,
 22 364682. This now has a product description of
 23 both Beryllium tube and Beryllium rod; do you
 24 see that?

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1 A. Yes, I do.
 2 Q. And there's a difference, is there not, between
 3 tube and rod?
 4 A. Yes.
 5 Q. Tell us the difference.
 6 A. The tube has a hole in it, and the rod doesn't.
 7 Q. Have you worked with Beryllium rod over the
 8 years --
 9 A. Yes.
 10 Q. -- at Hardric Labs?
 11 A. Yes.
 12 Q. Does this refresh your recollection about
 13 whether you might have machined Beryllium rod
 14 for Raytheon in the 1980's?
 15 A. No.
 16 Q. Do you agree that all of the purchase orders
 17 we've been looking for relate to the Microwave
 18 and Power Tube Division at Waltham?
 19 A. That's what it says.
 20 MR. HONIK: This might be a good
 21 time.
 22 (Short break was taken.)
 23 MR. HONIK: Mark this as Richard
 24 2, please.

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